

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

KEITH COLE, JACKIE BRANNUM, RICHARD §  
KING, MICHAEL DENTON, FRED WALLACE, §  
and MARVIN RAY YATES, individually and on §  
behalf of those similarly situated, §

Plaintiffs, §

v. §

BRYAN COLLIER, in his official capacity, §  
ROBERTO HERRERA, in his official capacity, and §  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE, §

Defendants. §

CIVIL ACTION NO.  
4:14-cv-1698

**PLAINTIFFS' MOTION FOR CONTEMPT, TO SHOW CAUSE & SANCTIONS**

## **Exhibit 51**

**Email from TDCJ Counsel to S. Medlock (Aug. 7, 2019)**

**Subject:** RE: LeBlanc

**Date:** Wednesday, August 7, 2019 at 2:26:37 PM Central Daylight Time

**From:** O'Leary, Leah

**To:** Scott Medlock

**CC:** Jeff Edwards, David James (david@edwards-law.com), Coggeshall, Jeanine, Willy Ramirez

Scott, TDCJ has considered your request to create temperature logs at the LeBlanc Unit. It is TDCJ's position that it is not required to do so under the settlement agreement, that there has been no event at the unit triggering notice requirements, and that it is reasonably cooperating with your requests for information and a unit walk-through. As such, TDCJ does not agree to create temperature logs.

This is also to confirm the unit tour on Monday, to begin at noon. As discussed, the HVAC professional will have measuring equipment to measure the temperature and humidity in each housing area. You will be able to see and note the make and model of the equipment he is using. Test measurements may be made as you go through the unit. You will be able to circle back to the first housing area and take another measurement for comparison.

Thank you.

**Leah O'Leary**

Assistant Attorney General

Deputy Chief-Law Enforcement Defense Division

Leah.Oleary@oag.texas.gov

Phone: 512-463-2080

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---

**From:** Scott Medlock <scott@edwards-law.com>

**Sent:** Wednesday, August 07, 2019 11:50 AM

**To:** O'Leary, Leah <Leah.Oleary@oag.texas.gov>

**Cc:** Jeff Edwards <jeff@edwards-law.com>; David James (david@edwards-law.com) <david@edwards-law.com>; Coggeshall, Jeanine <Jeanine.Coggeshall@oag.texas.gov>; Willy Ramirez <willy@edwards-law.com>

**Subject:** Re: LeBlanc

Leah,

Per our call earlier, we are willing to push the site visit back to Monday, if TDCJ will record the temperatures in the locations where the class members are located at LeBlanc on Thursday, Friday, Saturday, and Sunday at noon, 2 pm, and 4 pm. As we are still receiving complaints about the indoor temperature even after the document you provided indicates the problems were fixed, we need some assurance that indoor temperatures are safe given that the heat indexes in Beaumont are likely to exceed 100F each day for the foreseeable future.

If TDCJ is not willing to make this accommodation, please let me know no later than 1:30 today so that we can inform the court.

Scott

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**From:** "O'Leary, Leah" <[Leah.OLeary@oag.texas.gov](mailto:Leah.OLeary@oag.texas.gov)>  
**Date:** Wednesday, August 7, 2019 at 9:47 AM  
**To:** Scott Medlock <[scott@edwards-law.com](mailto:scott@edwards-law.com)>  
**Cc:** Jeff Edwards <[jeff@edwards-law.com](mailto:jeff@edwards-law.com)>, "David James ([david@edwards-law.com](mailto:david@edwards-law.com))" <[david@edwards-law.com](mailto:david@edwards-law.com)>, "Coggeshall, Jeanine" <[Jeanine.Coggeshall@oag.texas.gov](mailto:Jeanine.Coggeshall@oag.texas.gov)>, Willy Ramirez <[willy@edwards-law.com](mailto:willy@edwards-law.com)>  
**Subject:** RE: LeBlanc

Scott, The Warden of the LeBlanc Unit has had a family emergency and cannot conduct the unit tour tomorrow. We would like to postpone the LeBlanc trip to Monday. This will also allow for the executive administration, such as Director Lorie Davis, to return to town from the ACA conference out of state. The issues you have raised have been raised to their radar's and so they would like to be available in case we need any particular permissions or decisions from them during the walk-through. I apologize for the last minute change of plans. Please let me know if Monday at noon will work for you to do the walk-through.

Thanks

***Leah O'Leary***

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---

**From:** Scott Medlock <[scott@edwards-law.com](mailto:scott@edwards-law.com)>  
**Sent:** Tuesday, August 06, 2019 1:23 PM  
**To:** O'Leary, Leah <[Leah.OLeary@oag.texas.gov](mailto:Leah.OLeary@oag.texas.gov)>

**Cc:** Jeff Edwards <[jeff@edwards-law.com](mailto:jeff@edwards-law.com)>; David James ([david@edwards-law.com](mailto:david@edwards-law.com)) <[david@edwards-law.com](mailto:david@edwards-law.com)>; Coggeshall, Jeanine <[Jeanine.Coggeshall@oag.texas.gov](mailto:Jeanine.Coggeshall@oag.texas.gov)>; Willy Ramirez <[willy@edwards-law.com](mailto:willy@edwards-law.com)>

**Subject:** Re: LeBlanc

Several inmates consistently report that the temperature is consistently hot, even on days where there is no maintenance indicated on the logs you provided. One explanation is the thermostat on the HVAC unit itself is wrong, so we are respectfully asking to check that thermostat. We certainly need to lay eyes on the system regardless, so the extra, simple step of measuring the temperature while we do so is reasonable.

Obtaining baseline readings in the conference room and hallway outside the housing area is also reasonable. We do not see any great imposition in pausing for a minute to take these readings to help corroborate the accuracy of the results TDCJ is reporting.

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**From:** "O'Leary, Leah" <[Leah.OLeary@oag.texas.gov](mailto:Leah.OLeary@oag.texas.gov)>  
**Date:** Tuesday, August 6, 2019 at 11:44 AM  
**To:** Scott Medlock <[scott@edwards-law.com](mailto:scott@edwards-law.com)>  
**Cc:** Jeff Edwards <[jeff@edwards-law.com](mailto:jeff@edwards-law.com)>, "David James ([david@edwards-law.com](mailto:david@edwards-law.com))" <[david@edwards-law.com](mailto:david@edwards-law.com)>, "Coggeshall, Jeanine" <[Jeanine.Coggeshall@oag.texas.gov](mailto:Jeanine.Coggeshall@oag.texas.gov)>, Willy Ramirez <[willy@edwards-law.com](mailto:willy@edwards-law.com)>  
**Subject:** RE: LeBlanc

Unless there is an A/C malfunction, there is no requirement that the staff monitor the thermostat at the LeBlanc Unit on a daily basis. It is a permanently air-conditioned unit. If there is an A/C issue, then the people working on the issue are reading the thermostats for whichever system is having issues. As you can see from the maintenance log that was provided, the issues have been resolved within hours.

I believe you are thinking of the Stiles Unit where the warden said he was having staff monitor the temperature regularly while the 2<sup>nd</sup> Chiller was being worked on.

---

**From:** Scott Medlock <[scott@edwards-law.com](mailto:scott@edwards-law.com)>  
**Sent:** Tuesday, August 06, 2019 11:39 AM  
**To:** O'Leary, Leah <[Leah.OLeary@oag.texas.gov](mailto:Leah.OLeary@oag.texas.gov)>  
**Cc:** Jeff Edwards <[jeff@edwards-law.com](mailto:jeff@edwards-law.com)>; David James ([david@edwards-law.com](mailto:david@edwards-law.com)) <[david@edwards-law.com](mailto:david@edwards-law.com)>

[law.com](#)>; Coggeshall, Jeanine <[Jeanine.Coggeshall@oag.texas.gov](mailto:Jeanine.Coggeshall@oag.texas.gov)>; Willy Ramirez <[willy@edwards-law.com](mailto:willy@edwards-law.com)>

**Subject:** Re: LeBlanc

We will need to see the thermostats that the employees are allegedly monitoring, to see if those match the readings that the HVAC guys are taking. For example, if the thermostat that is being monitored says 84, but the HVAC guys tell us the temperature is actually 89, that would indicate there is a problem.

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**From:** "O'Leary, Leah" <[Leah.OLeary@oag.texas.gov](mailto:Leah.OLeary@oag.texas.gov)>  
**Date:** Tuesday, August 6, 2019 at 11:33 AM  
**To:** Scott Medlock <[scott@edwards-law.com](mailto:scott@edwards-law.com)>  
**Cc:** Jeff Edwards <[jeff@edwards-law.com](mailto:jeff@edwards-law.com)>, "David James ([david@edwards-law.com](mailto:david@edwards-law.com))" <[david@edwards-law.com](mailto:david@edwards-law.com)>, "Coggeshall, Jeanine" <[Jeanine.Coggeshall@oag.texas.gov](mailto:Jeanine.Coggeshall@oag.texas.gov)>, Willy Ramirez <[willy@edwards-law.com](mailto:willy@edwards-law.com)>  
**Subject:** RE: LeBlanc

At the LeBlanc Unit, I am told the thermostats are mounted at the location of the chillers. They are not the type that can be carried to a different area-they are mounted. The maintenance employees check the mounted thermostat when they service the systems. During the walk-through, the HVAC professional will be carrying equipment to take measurements in the housing areas in your presence, and you will be able to note the make and model of whatever equipment he is using. I am sure he will be able to take a test reading in a conference room before beginning the walk-through in the housing areas, but it will not be an on-demand process "in any location you like" as you go. A test reading in the beginning is reasonable and sufficient.

I'm not sure you can access the A/C unit itself--it depends where it is. If you have to climb a ladder or something like that to get to it, they won't allow you to do that. But if it is accessible, I will request that be part of the walk-through.

---

**From:** Scott Medlock <[scott@edwards-law.com](mailto:scott@edwards-law.com)>  
**Sent:** Tuesday, August 06, 2019 10:30 AM  
**To:** O'Leary, Leah <[Leah.OLeary@oag.texas.gov](mailto:Leah.OLeary@oag.texas.gov)>  
**Cc:** Jeff Edwards <[jeff@edwards-law.com](mailto:jeff@edwards-law.com)>; David James ([david@edwards-law.com](mailto:david@edwards-law.com)) <[david@edwards-law.com](mailto:david@edwards-law.com)>; Coggeshall, Jeanine <[Jeanine.Coggeshall@oag.texas.gov](mailto:Jeanine.Coggeshall@oag.texas.gov)>; Willy Ramirez <[willy@edwards-law.com](mailto:willy@edwards-law.com)>

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**Subject:** Re: LeBlanc

Leah,

It will be me, David, and Willy Ramirez.

We will get the visit paperwork in shortly. Thank you for the roster.

In addition to the housing areas, we would also like to see:

1. The location of the thermostat for each housing area (so that we can see where the thermostat is set, plus the make/model of the thermostat);
2. Inspect the make/model of the device the TDCJ people are using to make the measurements (and we would ask that we can take readings in any location we like with those devices – such as the conference room, etc. where we muster, hallways, etc. so we can get an idea of what temperature readings it is measuring);
3. The location of the actual AC units (so that we can note the make/model and tonnage); and,
4. We'd like to go back to the first housing unit we visit again at the end of the tour so that we can see that the temperature is consistent throughout the time we are at the prison.

Feel free to call me to discuss.

Scott

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**From:** "O'Leary, Leah" <[Leah.OLeary@oag.texas.gov](mailto:Leah.OLeary@oag.texas.gov)>

**Date:** Tuesday, August 6, 2019 at 10:04 AM

**To:** Scott Medlock <[scott@edwards-law.com](mailto:scott@edwards-law.com)>

**Cc:** Jeff Edwards <[jeff@edwards-law.com](mailto:jeff@edwards-law.com)>, "David James ([david@edwards-law.com](mailto:david@edwards-law.com))" <[david@edwards-law.com](mailto:david@edwards-law.com)>, "Coggeshall, Jeanine" <[Jeanine.Coggeshall@oag.texas.gov](mailto:Jeanine.Coggeshall@oag.texas.gov)>, Willy Ramirez <[willy@edwards-law.com](mailto:willy@edwards-law.com)>

**Subject:** RE: LeBlanc

The Unit Code for LeBlanc is BA, and the housing locations are in the right two columns. I counted 32 class members assigned to LeBlanc. The escort at the Unit will take you to each housing area where they

are assigned.

---

**From:** Scott Medlock <[scott@edwards-law.com](mailto:scott@edwards-law.com)>  
**Sent:** Tuesday, August 06, 2019 9:58 AM  
**To:** O'Leary, Leah <[Leah.OLeary@oag.texas.gov](mailto:Leah.OLeary@oag.texas.gov)>  
**Cc:** Jeff Edwards <[jeff@edwards-law.com](mailto:jeff@edwards-law.com)>; David James ([david@edwards-law.com](mailto:david@edwards-law.com)) <[david@edwards-law.com](mailto:david@edwards-law.com)>; Coggeshall, Jeanine <[Jeanine.Coggeshall@oag.texas.gov](mailto:Jeanine.Coggeshall@oag.texas.gov)>; Willy Ramirez <[willy@edwards-law.com](mailto:willy@edwards-law.com)>  
**Subject:** Re: LeBlanc

Thank you, Leah.

Can you provide me a list of LeBlanc class members, with housing locations for each, so that I can talk to a representative cross section?

It will likely be more than just me. We will figure that out this morning, and let you know as soon as possible. I suspect it will either be David James, or my legal assistant, Willy Ramirez, who has been approved to visit TDCJ inmates.

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**From:** "O'Leary, Leah" <[Leah.OLeary@oag.texas.gov](mailto:Leah.OLeary@oag.texas.gov)>  
**Date:** Tuesday, August 6, 2019 at 9:51 AM  
**To:** Scott Medlock <[scott@edwards-law.com](mailto:scott@edwards-law.com)>  
**Cc:** Jeff Edwards <[jeff@edwards-law.com](mailto:jeff@edwards-law.com)>, "David James ([david@edwards-law.com](mailto:david@edwards-law.com))" <[david@edwards-law.com](mailto:david@edwards-law.com)>, "Coggeshall, Jeanine" <[Jeanine.Coggeshall@oag.texas.gov](mailto:Jeanine.Coggeshall@oag.texas.gov)>  
**Subject:** RE: LeBlanc

Scott,

We are able to arrange a walk-through at the LeBlanc Unit at noon on Thursday. Our HVAC professional will be there with equipment to measure temperature and humidity. TDCJ has not agreed to permit you to bring your own equipment onto the unit. You will be escorted in to each housing area where there are class members assigned, and the HVAC professional will measure the temperature and humidity. We plan to begin the walk-through at noon to give everyone time to drive there from out of town.

If you plan to meet with any of your clients while you're at the unit, you should submit the paperwork today for attorney-client visits. The unit will arrange for the attorney-client visits pursuant to the normal procedures.

Please let me know if it will be just you, or any other members of your firm that will attend.

Thank you

**Leah O'Leary**

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**From:** Scott Medlock <[scott@edwards-law.com](mailto:scott@edwards-law.com)>  
**Sent:** Monday, August 05, 2019 11:25 AM  
**To:** O'Leary, Leah <[Leah.OLeary@oag.texas.gov](mailto:Leah.OLeary@oag.texas.gov)>  
**Cc:** Jeff Edwards <[jeff@edwards-law.com](mailto:jeff@edwards-law.com)>; David James ([david@edwards-law.com](mailto:david@edwards-law.com)) <[david@edwards-law.com](mailto:david@edwards-law.com)>  
**Subject:** LeBlanc

Leah,

I just got another call from the family of a LeBlanc inmate this morning, claiming that it is still very hot inside F-wing.

At this point, I'd like to go inspect the prison on Thursday, and meet with inmates. I want to see any location where there are class members housed, and take the temperature/humidity probe that we discussed last week so that I can take my own measurements.

I'm around all day today except for a lunch appointment from 1-2 pm. Call me when you are available.

Scott

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